

NO. 24674

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

DONALD L. WILKERSON, Petitioner,

vs.

THE HONORABLE REYNALDO GRAULTY, Judge of the Circuit Court
of the First Circuit, State of Hawai'i, Respondent.

ORIGINAL PROCEEDING
(CR. NO. 98-1135)

ORDER

(By: Moon, C.J., Levinson, Nakayama,
Ramil, and Acoba, JJ.)

Upon consideration of Petitioner Donald Wilkerson's application for a writ of mandamus, writ of prohibition and writ of habeas corpus, the papers in support and opposition, and the records and files herein, it appears that: (1) the respondent judge refused to file Petitioner's motion to recall bench warrant submitted for filing on November 9, 2001; (2) the refusal of the court to file documents submitted to the court for filing is reviewable by way of a petition for writ of mandamus. See Barnett v. Broderick, 84 Hawai'i 109, 929 P.2d 1359 (1996); and (3) in Barnett, this court concluded that a party who submits documents to the court for filing has an indisputable right to have the documents filed in a timely fashion. Therefore,

IT IS HEREBY ORDERED that the application for a writ of mandamus is granted in part, and the circuit court shall file and hear Petitioner's motion to recall bench warrant if Petitioner resubmits it for filing. The request to have the respondent judge set another hearing for the Order to Show Cause and give

proper notice of the hearing is denied without prejudice to any remedy Petitioner may have by way of appeal from any sanction.

IT IS FURTHER ORDERED that the application for a writ of prohibition and a writ of habeas corpus is denied without prejudice to any remedy Petitioner may have by way of appeal from any adverse judgment.

DATED: Honolulu, Hawai'i, March 20, 2002.